

# United States Court of Appeals

Eleventh Circuit  
56 Forsyth Street, N.W.  
Atlanta, Georgia 30303

Thomas K. Kahn  
Clerk

In Reply, Give Number  
Of Case and Names of Parties

January 3, 2008

VIA FACSIMILE

TO ALL COUNSEL OF RECORD

Re: No. 05-10669 - Billie Thompson, et al. v. Glades County Board of Commissioners, et al.

Dear Counsel:

For the purposes of the upcoming en banc rehearing in the above-referenced case, the court desires for counsel to focus their briefs on the following issues

- 1. Whether the district court clearly erred in finding the first prong of the *Gingles* test (that a minority group be “sufficiently large and geographically compact to constitute a majority in a single-member district”) was not satisfied by the proposed plan in this case.**
- 2. Can crossover voting be considered in meeting the first prong of the *Gingles* test and, if so, (a) was an argument raised before the district court regarding white crossover voting as a basis for satisfying the first prong, and (b) was sufficient evidence presented in this regard? (Brief the entire question.)**

Appellant's en banc brief shall be filed in the Clerk's Office in Atlanta by 5:00 p.m., Monday, February 4, 2008. Appellee's en banc brief shall be filed in the Clerk's Office in Atlanta by 5:00 p.m., Wednesday, March 5, 2008. Any en banc reply brief by the Appellant must be filed in the Clerk's Office in Atlanta by 5:00 p.m., Wednesday, March 19, 2008. NO EXTENSIONS WILL BE GRANTED. An original and 18 copies of the en banc briefs should be filed (appellant's in blue covers, appellee's in red covers and any reply in gray covers). The parties are expected to insure that all other parties receive a copy of their briefs before the close of business on the day of filing (facsimile, e-mail, etc.). NO TIME FOR MAILING SHALL BE ALLOWED. The filing of an en banc amicus briefs is governed by 11<sup>th</sup> Cir. R. 35-8. All parties are also required to upload the brief in electronic format to the court's Web site as described in 11<sup>th</sup> Cir. R. 31-5.

All counsel are requested to file 16 copies of their original opening panel briefs, record excerpts and supplemental authorities prior to 5:00 p.m., Monday, February 4, 2008.

Oral argument will be conducted during the week of June 16, 2008, in Atlanta, Georgia. Each party will be allotted 20 minutes per side for oral argument. Counsel will receive subsequent correspondence regarding the specific date and time of oral argument.

Thank you for your attention.

Sincerely,

THOMAS K. KAHN, Clerk

By:

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